



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-304037-19

Strategic Housing Development

218 no. residential units, childcare facility and associated site works.

Location

Lands at Kilgarron Hill, Townland of Parknasillogue, Enniskerry, Co. Wicklow.

Planning Authority

Wicklow County Council

Applicant

Capami Ltd.

Prescribed Bodies

1. Irish Water
2. The Department of Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. Inland Fisheries Ireland

6. The Wicklow County Childcare Committee.

Observer(s) 22 submissions, see Appendix A.

Date of Site Inspection 7 June 2019.

Inspector Stephen Rhys Thomas

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. Adapted from the previous Inspectors' Report (ABP-300692-18 and ABP-302892-18), the site is inside the settlement boundary for the town of Enniskerry, Co. Wicklow. The town lies c 5km west of Bray in an elevated position on the slopes of the Wicklow Mountains. It had a population of 1,889 at the 2016 census. Its core is an estate village associated with the Powerscourt Demesne. The rest of the town consists of houses built around the village in the 20th century in a haphazard manner. The site lies between 1.4km and 700m west of the centre of the village core.
- 2.2. It has a stated area of 8.179 ha and consists of land under pasture. It occupies a piece of land that is elevated over the level of the village and the wooded valley through which the Glencullen River flows to the north of the site. The site is relatively level, but rises steadily to the west where it is bounded by the Glenree Road (L1011).
- 2.3. The site has two separate lengths of frontage onto the Glenree Road, which is a local road that runs west from Enniskerry along the northern edge of the demesne. The road is c5.4m wide and generally lacks footpaths, although isolated standings are provided at bus stops. A 10kV line crosses the site from east to west. A driveway crosses the site which leads to Parknasilloge House to the north, with a gate lodge standing at its junction with the road.
- 2.4. A small housing development of recent construction occupies a rectangular site of c0.8ha between the main part of the current site and the Glenree Road, named Parknasilloge Court. Its houses do not directly front the Glenree Road, although a footpath has been provided along the road in front of that scheme and parallel to its internal access roads. Immediately to the east of that scheme lie 2 houses on their own plots along the road. A GAA club and pitch occupy another plot on the

Glencree Road beside to the east of the current site. There are two twentieth century housing estates on the other side of the road from the GAA club at the eastern end of the site, named Kilgarron. They share an access point onto the Glencree Road. Neither contains houses that directly front that road. To the west of the site there is a cluster of houses on both sides of the Glencree Road, some of which do have direct access onto that road. There is a pronounced bend on the Glencree Road on the site frontage just before that cluster which restricts visibility and acts to slow traffic.

2.5. I note that a new housing development is currently under construction opposite Parknasilloge Court.

3.0 Proposed Strategic Housing Development

3.1. The development comprises 218 residential units as follows:

- 19 no. 1-bed units,
- 42 no. 2-bed units,
- 109 no. 3-bed units,
- 45 no. 4-bed units

The units comprise of a mix of own door apartments, terraced housing, semi-detached and detached housing and vary in heights from one to three storeys

House Type	No. of Units	%
1 bed	3	1.5%
2 bed	8	3%
3 bed	75	34%
4 bed	45	21%
4+ bed	3	1.5%
Total	134	

Apartment Type	No. of Units	%
1 bed	16	7%
2 bed	34	16%
3 bed	34	16%
Total	84	

Childcare facility of 373.4 sq.m.;

Two vehicular accesses from the Glencree Road and the repair, replacement and provision of new drainage and pedestrian infrastructure including lighting towards the town centre on Kilgarron Hill along the Glencree Road;

A Natura Impact Statement (NIS) has been prepared in respect of the proposed development and accompanies this application.

4.0 Planning History

4.1. Subject Site:

No relevant planning applications on the site, pre-application consultation history as follows:

Ref. **ABP-302892-18**. Proposed Development: 185 no. residential units (167 no. houses and 18 no. apartments). A pre-application consultation request was sought from the Board with an Opinion issuing in December 2018 which stated that the documentation required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

Ref. **ABP-300692-18** – Proposed Development: 129 no. houses and a crèche. A pre-application consultation request was sought from the Board with an Opinion issuing in March 2018 which stated that the documentation required further consideration and amendment to constitute a reasonable basis for an application for

strategic housing development to An Bord Pleanála. The matters where further consideration was required were as follows:

1. How best to achieve appropriate levels of integration of development on the site with the rest of Enniskerry (i.e. the town and adjoining sites), including the provision of safe and convenient connectivity in particular for vulnerable road users, cyclists pedestrians, etc. In this regard consideration should be given to the current of standard and nature of the Glenree Road, the absence of frontage development and pedestrian facilities along the entire road frontage and the restriction on visibility at the bend to the south-west of the site. Further consideration is also required as to the provision of safe and convenient access to the crèche, community centre and school site, including minimising traffic conflicts arising from parking and turning movements.
2. The potential for development on the site to have effects on the adjacent SAC at Knocksink Wood, and whether the proposed development would be likely to have significant effects on this Natura 2000 sites which would require it to be subject to an appropriate assessment.
3. The mix of housing types required to cater for the needs of the community as a whole, as well as a planning rationale for the proposed density of housing with regard to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.
4. The provision of proper streets, roads and footpaths in accordance with the applicable standards set out in DMURS, including the standards for junctions, carriageways, footpaths and cycle facilities along local, low-speed streets set out at sections 4.3 and 4.4, having regard to the need to constrain vehicular speeds and create a safe and comfortable environment for vulnerable road users.
5. The proper configuration of uses upon the landholding, having regard to the absence of a statutory basis for the action area plan and the viability or otherwise of commercial development in the area. This should also have particular regard to the need for a proper treatment of the Glenree Road and frontage onto it to facilitate the expansion of the town, and to the constraints on development on the lower land in the north-eastern part of the site due the requirement for effluent to be pumped from

there, with the consequent increased requirements for maintenance and the risks of failure in close proximity to the SAC at Knocksink Wood.

5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 6 December 2018 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-302892-18. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

Zoning and Connectivity

A detailed planning rationale as to the proposed location of the residential development and crèche on the landholding and the configuration of the other uses having regard to the uses outlined in the Action Area Plan for the lands as included in the Bray Municipal District Local Area Plan 2018-2024. The provision of connectivity to the proposed enterprise, community centre and school sites.

Residential Density and Housing Mix

Residential density in the proposed development, specifically in relation to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) as they refer to small towns and villages and to the calculation of net density at Appendix A. Consider the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the site is served by public transport and its proximity to established social and community services in the area. Consider the documents as they relate to the mix of housing types, particularly in respect of two-bed units, is required to cater for the needs of the community as a whole.

- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Outline the proposed connectivity works to the public road and a detailed design of same, who is going to undertake the works required and the timelines involved relative to the construction and completion of the proposed development.
 2. Proposed materials and finishes to the scheme and the requirement to provide high quality and sustainable finishes and details.
 3. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
 4. Residential amenity (both existing residents of adjoining properties and future occupants), full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units.
 5. A layout plan that details the location and appropriate quantity of bicycle parking spaces.
 6. A plan of the proposed open spaces within the site clearly delineating public, semi-private and private spaces.
 7. A phasing scheme for the proposed development
 8. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority and which should include lands up to the boundary with adjoining holdings.
 9. A site specific flood risk assessment and details of proposals for the drainage of the site and the attenuation of surface water runoff, as well as details demonstrating the capacity of the receiving waters for stormwater effluent and of the wastewater treatment plant to cater for foul effluent from the proposed development
 10. Proposals for compliance with Part V of the Planning and Development Act 2000, as amended.
- 5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:
1. Irish Water
 2. The Department of Culture, Heritage and the Gaeltacht
 3. The Heritage Council

4. An Taisce

5. Inland Fisheries Ireland

6. The Wicklow County Childcare Committee

5.4. Applicant's Statement

- 5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

Zoning and Connectivity

The applicant states that the position, location and size of the land use zoning identified in the Development Plan Action Area Plan 2 (AA2) land use map is indicative. The Bray Municipal District Local Area Plan 2018 states:

“The position, location and size of the land use zonings shown on plan maps are indicative only and may be altered in light of eventual road and service layouts, detailed design and topography, subject to compliance with the criteria set out for the Action Area Plan”.

An Action Area Plan has been submitted to Wicklow County Council that resolves the location of residential development as proposed in the current application. In addition, the applicant sets out a strategy to provide the land uses desired by the Council in relation to employment, education, community use and green infrastructure. The revised Action Area Plan responds to the pre-application consultation Opinion that issued from the Board. The applicant states that the designation of these lands as Action Area Plan lands allows for the alteration of the positioning of land uses as set out in the submitted Action Area Plan and enables the achievement of the overall objectives for the area. The applicant has set out in sections 2.26 to 2.38 inclusive, the various objectives of the plan and how they are met.

Residential Density and Housing Mix

The Action Area criteria specifies a density of 20 units per hectare. The subject proposal is for 30 units per hectare gross. The applicant has prepared diagrams to show how residential density has been calculated. The net density of 35 units per hectare was calculated excluding the large public open spaces and this would accord with Appendix A of the Guidelines that sets out 'open spaces serving a wider area' may be excluded in the calculation of net density.

The applicant quotes from section 6.11 of the Guidelines, as follows:

“The emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.”

The subject site, in a 'small town or village' is not located in the Dublin Metropolitan Area Spatial Plan (draft RSES). The proposal constitutes in excess of 20% of the total new planned housing stock set out in the core strategy allocation for Enniskerry and therefore does not fall under the criteria to be considered under Section 6.12 of the Guidelines, in offering an alternative to single house in the countryside development. The subject proposal therefore falls into the density requirement of 20-35 units per hectare, in accordance with the Guidelines. The site is located in a sensitive area in terms of ecology, visual consideration is also important having regard to the character of Enniskerry village and Powerscourt, 30 units per hectare gross (35 net) has been proposed. The density of the subject proposal has increased since the issuing of the Opinion, to address that calculation of density and increase in 2 bed units sought.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 'Childcare Facilities – Guidelines for Planning Authorities' (2001)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands (1999).

6.2. **The Wicklow County Development Plan 2016-2022**

The core strategy designates Enniskerry as a small growth town with a projected population of 2,302 persons in 2022, with an increase in its housing stock from 642 in 2011 to 887 in 2022. The plan includes a town plan for Enniskerry which has now been superseded by the Bray Municipal District Plan 2018-2024. The view north from the Glenree Road is protected prospect 5 in the development plan – Glenree Road towards Carrigollogan.

6.3. **Bray Municipal District Plan 2018-2024**

- 6.3.1. This plan includes Enniskerry within its area. Chapter 3 deals with residential development with Policy R1 requiring all housing development accord with County Plan requirements. Enniskerry specific housing objectives are R6 and R7 which state that maximum size of any single housing estate should be 60 units and that a full range of units sizes including 1 and 2 bedroom units shall be provided in all new housing areas with no more than 50% of the units in any development have more than 3 bedrooms or 125m² of floor area. Parknasilloge is defined as Action Area Plan 2 and is designated as a priority employment area for Enniskerry with polices EE1 and EE2 specific to Enniskerry referring to the provision of c.1ha of employment lands in AA2. Chapter 10 outlines key areas for AAP2 including that 2ha of the area shall be reserved for active open space (equivalent to the GAA pitch), 1 ha for employment uses, 1.2 ha for education use and 0.4ha for community uses including a community centre of at least 500m² with a playground of at least 400m². A maximum of 156 houses shall be provided on the rest of the area. Only 2 vehicular access points shall be allowed onto the Glenree Road.

6.4. **Action Plan 2 (non-statutory)**

- 6.4.1. The prospective applicant submitted a draft action area plan to the planning authority in February 2017 which was agreed by the Council on 14th November 2017 subject to phasing controls with Phase 1 providing 50% of residential units (max. 78), school site unless the Department confirms in writing it is not required and a Village Green. Phase 2 requires employment uses, additional 75% of residential units (58) and community uses including community centre with Phase 3 the remaining residential

(20). This AAP has since been amended to suite the design proposal and approved by the Council in 2019.

6.5. **Material Contravention Statement**

6.6. The applicant has prepared a statement to provide a justification for the material contravention of the Bray Municipal District Local Area Plan 2018, briefly summarised as follows:

- In the context of section 28 guidelines the density and number of residential units above that set out in the Local Area Plan is appropriate. The proposed development provides for 218 residential units on the subject lands within the Action Area lands, at a density of 30 units per hectare gross in response to the ABP Opinion that issued following the meeting. The proposed density is also in accordance with Section 28 Guidelines of 20-35 units per hectare in such locations and the broad aims of the NPF.
- Appendix A of the Guidelines sets out that 'open spaces serving a wider area' may be excluded in the calculation of net density. The three areas designated as public open space will serve the wider area including Parknasilloge Court (access through to the subject development is provided for in this application). On delivery of the remaining uses on the Action Area lands, these public open spaces will be utilised by the wider area.
- The Action Area criteria of 20 units per hectare is relatively low having regard to the 20-35 guideline range in the Guidelines of national policy. The location of the subject site is in a transitional location between the built up area of Enniskerry village and the western edge of the village. The proposal constitutes in excess of 20% of the total new planned housing stock set out in the core strategy allocation for Enniskerry and therefore does not fall under the criteria to be considered under Section 6.12 of the guidelines (to offer an alternative to single houses in the countryside). The development falls into the density requirement of 20-35 units per hectare, in accordance with the Guidelines.

- The site is located in a sensitive area in terms of ecology and visual consideration is also important having regard to the character of Enniskerry village and Powerscourt, 30 units per hectare gross (35 net) has been proposed. The density of the subject proposal has increased since the issuing of the Opinion, to address that calculation of density and increase in 2 bed units sought.

7.0 Third Party Submissions

7.1. 22 submissions were received, most were made by individuals, however, almost all residents of Parknasilloge Court made a joint signed submission. In most cases issues raised relate to residential density, traffic and transport, water services and impact on views. In broad terms the planning issues can be summarised as follows:

- Density – the proposed development is in excess of that agreed in the Action Area Plan, 20 units per hectare and goes against national guidelines and the National Planning Framework. Enniskerry does not have the capacity to absorb the scale of development from a social infrastructure point of view.
- Traffic and Transport – public transport in the area is poor. The pedestrian environment and road alignment at present are substandard. The development will lead to increased traffic volumes that local roads cannot accommodate. The road layout and width are too narrow, and the main distributor road should eliminate perpendicular parking.
- Water Services – water pressure is low and wastewater capacity is of a concern.
- Visual amenity – the Glenree Road acts as a tourist route into the Wicklow Mountains, the proposed development will be urban in character and diminish the amenity of this route. The proposed building heights are at odds with adjacent development.
- Amenity – given the scale of the development, the applicant should provide a full size playing pitch to accommodate increase in club membership. In addition, a number of observers seek other public realm improvements

throughout the village. Access to the SAC is suggested as a community gain for the area.

- Environmental – a number of observers question the requirement for an EIAR and the sensitivities of Knocksink Wood SAC are raised. In addition, the construction phase of the development is of concern, in terms of duration, intensity and in combination with other building projects that are currently ongoing. Health conditions were cited as a reason for objecting to the development.
- Other Matters – adjacent land owners raise issues in relation to the preparation and adoption of a revised Action Area Plan, in which they had no involvement. They complain that the revised road access to their land differs from that previously agreed. The new layout limits the landowner's ability to develop land as they would have wished.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 16 May 2019. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included a summary of the views of the elected members of the Bray Municipal District Committee, meeting held on the 2 April 2019. The main issues to come out of the meeting revolved around roads, density and civic/community gains. There were also general comments in relation to the SHD process, the worth of local planning policy and the impact of the development on the village character of Enniskerry.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

Core Strategy – Enniskerry is designated a Level 5 small growth town, with population target of 2,302 by 2022, a growth of 413 persons and a housing stock increase of 472 units. The application site has been allocated 129 units, the proposed development will absorb 46% of the required housing stock for the village. The applicant has failed to adequately demonstrate compliance with the Core

Strategy, impact on population targets or the development potential of remaining zoned lands.

Action Area – Action Area 2 Parknasilloge was adopted by Wicklow County Council on 27 March 2019 and based upon documents submitted by the applicant. The status of the approved area plan is clarified and it broadly sets out a phasing, land use and accessibility strategy. The subject proposal departs from the approved area plan in terms of quantum -218 units proposed whilst 128 units planned for and phasing proposals do not match infrastructure provision.

Zoning Objectives -there are three zoning objectives set out in the Bray MDP as follows: R20 New Residential, E1 Employment and CE Community Educational. The boundaries of these land use zonings are indicative and to be refined by the Area Plan process. Action Area Plan 2, approved in 2019, allows the relocation of land use zonings subject to phasing. The proposal to provide entirely residential development on the lands outlined in red by the applicant is acceptable in principle. However, the phasing strategy is not and therefore the development is contrary to the zoning objectives of the Bray MDP.

Intensity of Development – the planned residential density (based upon average dwelling size) is 17.7 units per Hectare. The proposed development is calculated at 27.8 units per Hectare. Or expressed on actual units per Hectare, the proposed development amounts to 30 units per Hectare (gross) and 35.5 units per Hectare (net). The proposed residential density would be out of character with the area and contravene the zoning objective for the area.

Phasing – the proposed phasing fails to accord with that approved in the Area Plan and will not provide the physical and social infrastructure necessary.

Infrastructure, Roads and Pedestrian Facilities – technical amendments are required by the planning authority, these can be achieved by condition.

Parking – A shortfall in car parking has been identified for the residential component of the development, 374 spaces proposed, 387 required. Given that the proposed development will be heavily car dependant, development plan standards should apply.

Design Quality – the layout is broadly acceptable. However, the residential density militates against blending with the character of the area, the selection of materials,

brick in particular is not acceptable. Three storey development along the public road is out of character with nearby development. Listed views will be impacted upon. Housing mix is broadly acceptable, however larger three bedroom bungalows should be provided.

Childcare – minor technical amendments are requested.

Open Space -public open space has been provided to an adequate standard and quantum. Houses have been provided with generous private amenity space and is adequate, apartments should all benefit from dedicated private amenity space.

Part V – acceptable subject to agreement.

Services - acceptable subject to technical agreement.

Impact to Adjoining Properties – none anticipated, construction activity should be appropriately managed.

AA – An NIS has been submitted, An Bord Pleanála is the competent authority in this instance.

The planning authority conclude that the proposed residential development is acceptable in principle. However, the proposed development would not accord with the core strategy of the development plan and would exceed the residential development envisaged for the area. Even though the proposed development would align with residentially zoned lands, it would materially contravene Action Area Plan 2 Parknasilloge in terms of quantum and phasing of necessary physical and social infrastructure. For these reasons permission should be **refused**.

The planning authority have listed 11 detailed conditions and a number of headings for likely technical conditions. The most significant condition relates to a detailed and complex phasing condition.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water

- The Department of Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Inland Fisheries Ireland
- The Wicklow County Childcare Committee

The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 22 March 2019, and a summary of comments are included as follows:

- **Irish Water (IW)** - Based upon the information submitted and the Confirmation of Feasibility, that subject to a valid connection agreement being put in place the proposed development can be facilitated.
- **Department of Culture, Heritage and the Gaeltacht Development Applications Unit (DAU) NPWS** - The proposed development lies within circa 80metres of Knocksink Wood Special Area of Conservation (SAC) 000725. Petrifying springs with tufa formation (Cratoneurion) [7220] are a qualifying interest (QI) habitat for Knocksink Wood SAC and are listed as a priority habitat on Annex I of the EU Habitats Directive. Petrifying springs within Knocksink Wood appear to be sustained by a shallow groundwater system rather than a larger regional groundwater flow system in deeper bedrock. The SAC is sensitive to land modification, both through diversion of groundwater from the gravel layers and the gravel layers acting as a hydrological pathway for polluted water.

The NIS for the development states that the Catchment Zone (presumably groundwater catchment zone) for the petrifying springs within Knocksink Wood SAC lies outside the refined AA1 Zone. The Department considers that there is a lack of scientific evidence to support this statement. The origin of the catchment zone and the hydrogeological information on which it was based is not given, there does not appear to have been any use of borehole and water level information to better understand the hydrogeology of the site and a conceptual hydrogeological model of the site, and its connectivity with the proposed development is not given. Without mitigation, the natural

hydrogeology could be potentially altered and adversely impact the QI habitats of the SAC. The NIS gives the example of the alteration of surface water flows impacting on petrifying springs and provides mitigation to ensure natural drainage within the site is maintained.

Should the development be taken in charge, a maintenance regime in relation to surface water management infrastructure is recommended in the event of a grant or permission, along with the timing of tree felling best practice.

- **Department of Culture, Heritage and the Gaeltacht Development Applications Unit (DAU) Archaeology** - The DAU advise that the development site is located directly south-west of Recorded Monument WI007-021 megalithic tomb and north of WI007-086 barrow, within a landscape that contains a reasonably high distribution of recorded monuments. The Department concurs with the findings and recommendations outlined in the Archaeological Impact Assessment report (Jon Stirland, Archaeological Consultancy Services) and it is recommended that all archaeological features identified and adequate areas surrounding the identified archaeological features be fully archaeologically excavated by hand in advance of site preparation and/or construction works. A suitable condition should be attached that reflects the detailed requirements of the Department.
- **An Taisce** – the archaeological potential of the lands are outlined and require further investigations. The proposed development's accordance with plans and guidelines is assessed in the context of Enniskerry's status as a small town/village. The scale of development proposed is criticised. The proposed development does not accord with Climate Change policy objectives. In summary, the submission outlines all the social and infrastructural deficits in Enniskerry and the unlikelihood of the settlement being able to sustain the quantum of development proposed.

No comments were received from The Heritage Council, Inland Fisheries Ireland and the Wicklow County Childcare Committee.

10.0 Environmental Impact Assessment (EIA) Preliminary Assessment

10.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

Construction of more than 500 dwelling units

Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

10.2. The proposed development involves 218 residential units and a childcare facility on a site of 8.179ha. The site is located on the edge of a town and is below the threshold of 10 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

10.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

11.0 Appropriate Assessment (AA)

11.1. AA Introduction

11.1.1. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS), prepared by Scott Cawley.

11.2. The European Sites Likely to be Affected Stage I Screening

11.2.1. The applicant's screening assessment notes the following designated sites within a 15 km radius of the development, as recommended in the DoEHLG 'Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities' (2010). Designated sites outside the 15 km buffer zone were considered but no pathway for effects on sites outside this zone were identified.

- Knocksink Wood SAC [000725]
- Ballyman Glen SAC [000713]
- Wicklow Mountains SAC [002122]
- Bray Head SAC [000714]
- Glen of the Downs SAC [000719]
- Rockabill to Dalkey Island SAC [003000]
- Carriggower Bog SAC [000716]
- South Dublin Bay SAC [000210]
- Glenasmole Valley SAC [001209]
- The Murrough Wetlands SAC [002249]
- Wicklow Mountains SPA [004040]
- Dalkey Island SPA [004172]
- South Dublin Bay and River Tolka Estuary SPA [004024]
- The Murrough SPA [004186]

11.2.2. The report states that following an examination, analysis and evaluation of the relevant information including, in particular, the nature of the proposed development and the likelihood of significant effects on any European site, and applying the

precautionary principle, on the basis of objective information, the possibility may be excluded that the proposed development will have a significant effect on any European sites other than Knocksink Wood SAC [000725].

11.2.3. The report goes on to state that following an examination, analysis and evaluation of the relevant information including, in particular, the nature of the proposed development and the likelihood of significant effects on European sites, and again applying the precautionary principle, that it is not possible to exclude, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on Knocksink Wood SAC [000725].

11.2.4. In the case of Knocksink Wood SAC [000725], for which the possibility of significant impacts cannot be excluded, potentially significant risks to the European site (in the absence of mitigation) arise from accidental pollution incidents, silt-laden surface water discharges, contaminated water discharges, alterations to the natural hydrogeology and increased anthropogenic pressures associated with the proposed development. I concur with the approach adopted by the applicant and thought other designated sites can be excluded from further assessment, the sensitivities of Knocksink Wood SAC must be examined in greater detail.

11.3. **Knocksink Wood SAC [000725] NPWS Comments**

11.3.1. The comment of the Department of Culture, Heritage and the Gaeltacht Development Applications Unit (DAU) National Parks and Wildlife Service (NPWS) makes the following points in relation to potential effects on the Knocksink Wood SAC with regard to the sites' Conservation Objectives:

- Petrifying springs with tufa formation (Cratoneurion) [7220] are a qualifying interest (QI) habitat for Knocksink Wood SAC and are listed as a priority habitat on Annex I of the EU Habitats Directive. Petrifying springs within Knocksink Wood appear to be sustained by a shallow groundwater system rather than a larger regional groundwater flow system in deeper bedrock. The SAC is sensitive to land modification, both through diversion of groundwater from the gravel layers and the gravel layers acting as a hydrological pathway for polluted water.

- The NIS for the development states that the Catchment Zone (presumably groundwater catchment zone) for the petrifying springs within Knocksink Wood SAC lies outside the refined AA1 Zone. The Department considers that there is a lack of scientific evidence to support this statement. The origin of the catchment zone and the hydrogeological information on which it was based is not given, there does not appear to have been any use of borehole and water level information to better understand the hydrogeology of the site and a conceptual hydrogeological model of the site, and its connectivity with the proposed development is not given.
- Without mitigation, the natural hydrogeology could be potentially altered and adversely impact the QI habitats of the SAC. The NIS gives the example of the alteration of surface water flows impacting on petrifying springs and provides mitigation to ensure natural drainage within the site is maintained.
- Should the development be taken in charge, a maintenance regime in relation to surface water management infrastructure is recommended in the event of a grant or permission

11.4. Stage I Screening Conclusion

11.4.1. It is reasonable to conclude on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following European sites, in view of their Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required for the following sites:

- Ballyman Glen SAC [000713]
- Wicklow Mountains SAC [002122]
- Bray Head SAC [000714]
- Glen of the Downs SAC [000719]
- Rockabill to Dalkey Island SAC [003000]
- Carriggower Bog SAC [000716]
- South Dublin Bay SAC [000210]

- Glenasmole Valley SAC [001209]
- The Murrough Wetlands SAC [002249]
- Wicklow Mountains SPA [004040]
- Dalkey Island SPA [004172]
- South Dublin Bay and River Tolka Estuary SPA [004024]
- The Murrough SPA [004186]

11.4.2. The following European site is screened in with regard to potential effects on the Petrifying springs with tufa formation (Cratoneurion) and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae), which are listed as Conservation Objectives for the site:

- Knocksink Wood SAC [000725]

11.5. Stage II AA

11.5.1. The Natura 2000 Standard Data Form (NPWS, 2017) describes the SAC as a relatively small, but diverse wooded valley, notable for the occurrence of good examples of tufa-forming springs and associated alluvial forest. The site is also important for a number of rare plants, including *Erigeron acer*, *Lamiastrum galeobdolon* and *Wahlenbergia hederacea*, and a particularly diverse woodland invertebrate fauna. Its proximity to Dublin adds to its value as an educational and amenity resource. Threats to the site include human intrusions and disturbances, artificial planting on open ground (non-native trees), and invasive non-native species.

11.5.2. The applicant's report states that the qualifying interest habitats within Knocksink Wood SAC, petrifying springs with tufa formations (Cratoneurion) and alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae), would be potentially at risk from accidental pollution incidents, silt-laden surface water discharges, contaminated water discharges and alterations to the natural hydrogeology associated with the proposed development, if they were of a sufficient magnitude and duration to affect the ground and surface water quality or volume within Knocksink Wood SAC during either construction or operation. There is agreement between the applicant's report and the views of the NPWS, that the hydrogeology of the site is a key consideration.

- 11.5.3. Additionally, both habitats are potentially at risk of increased anthropogenic pressures associated with the proposed development, including the risk of trampling within the Qualifying Interest habitats (particularly along undesignated paths), littering, and the spreading of non-native invasive plant species into to the woodland through the fly-tipping of garden waste.
- 11.5.4. The applicant has set out the Qualifying Interests (QIs) of Knocksink Wood SAC in Table 2 of the NIS, and Table 3 summarises the current conservation status of the qualifying interests and conditions underpinning site's integrity. According to the applicant, the current conservation status of the site's QIs are Inadequate with reference to the petrifying springs and Bad in relation to the alluvial forests. Conditions underpinning site integrity revolve around; water quality including nutrient levels, water clarity, sediment levels; surface and ground water quality; ground water abstraction; water levels and minimal levels of disturbance.
- 11.5.5. Table 3 of the NIS highlights the detailed conservation objectives in relation to a specific attribute, provides a measure and target. Whilst habitat area and distribution amongst other things are stable or show no decline, the site's QIs are sensitive to an appropriate hydrological regime necessary to maintain status.
- 11.5.6. The applicant has shown on figure 2 of their NIS, the proximity of the development site and the Tufa Spring Catchment Zone. There is disagreement between the NPWS and the extent and interaction between the 'groundwater catchment zone' delineated and consequently a lack of scientific certainty about the hydrogeology of the area. This is an important divergence of opinion between applicant and the NPWS.
- 11.5.7. I note that the NIS states that potential adverse effects on the site integrity of Knocksink Wood SAC (in the absence of mitigation) arise from potential accidental pollution incidents, silt-laden surface water discharges, contaminated water discharges, alterations to the natural hydrogeology and increased anthropogenic pressures associated with the proposed development. The impacts as they relate to the construction and operational phase of the development are outlined. The NIS outlines the potential impacts on the site integrity of Knocksink Wood SAC and I focus on the hydrogeological concerns raised by the NPWS.

- 11.5.8. The NIS states that in the absence of mitigation, the natural hydrogeology within the subject lands could potentially be altered which could result in adverse impacts on the QI habitats of Knocksink Wood SAC which have a high sensitivity to changes in both ground and surface water levels. For example, if surface waters within the subject lands are redirected away from their natural course, this could result in a decrease in the volume of water naturally flowing into the tufa spring catchment zone, which feeds the petrifying springs with tufa formations within Knocksink Woods SAC, and could result in the springs drying up.
- 11.5.9. Other potential impacts arise from: Increased Anthropogenic Pressures, Accidental pollution incident and/or run-off of contaminated waters and Run-off of sediment. I am satisfied that industry standard mitigation measures can eliminate these potential impacts, such as a Construction Management Plan, SuDS measures and the Natura Impact Report for the Action Area Plan at Kilgarran. These have been prepared by the applicant and included in the application documentation. I note that the NPWS also broadly agree and go as far as to recommend a maintenance regime in relation to infrastructure taken in charge and appropriate time periods for tree and hedge clearance during the construction phase. The outstanding issue as I and the NPWS see it is the lack of information to better understand the hydrogeology of the site.
- 11.5.10. Specifically, the NPWS state that that there is a lack of scientific evidence to support the statement, that the Catchment Zone (presumably groundwater catchment zone) for the petrifying springs within Knocksink Wood SAC lies outside the refined AA1 Zone, figure 2 of the NIS. In addition, the NPWS state the origin of the catchment zone and the hydrogeological information on which it was based is not given, there does not appear to have been any use of borehole and water level information to better understand the hydrogeology of the site and a conceptual hydrogeological model of the site, and its connectivity with the proposed development is not given. In this respect, I note that the applicant has submitted a 2019 Hydrogeological Assessment prepared by Hydro-G, this document is cross-referenced in the NIS and vice versa. The Hydrogeological Assessment provides borehole and trial pit locations and data. Though geotechnical boring and trial pit records may have informed surface water management design I can see no evidence of a conceptual hydrogeological model that might inform site specific mitigation measures. The Hydro-G report and NIS refers to a Hydrogeological

Characterisation Study for Kilgarron (2016) prepared by Dr. Les Brown in which a conceptual hydrogeological model is mentioned. Documentation presented here by the applicant (overall drainage design) states that the designated site's tuffa springs are fed by the shallow subsoil and bedrock interface zone rather than by bedrock and concludes that the measures proposed in the development are acceptable. However, it is not clear how this link can be made in the absence of a conceptual model based upon the hydrogeological survey data collected, such as that outlined in the 2016 Report that is not on this file.

11.5.11. Based upon the foregoing, even though a number of reports have been prepared by the applicant (2019 Hydrogeological Assessment, Engineering Assessment Report, Site Specific Flood Risk Assessment, Preliminary Construction and Waste Management Plan and a Natura Impact Assessment) they have not sufficiently identified the potential impact sources or assessed and modelled how these could impact the site's QIs or whether the predicted impacts would adversely affect the integrity of the European site.

11.5.12. Having regard to the above, I am not satisfied that the data, assessment and analysis submitted are sufficient to enable the Board to carry out an AA.

11.6. Other Plans or Projects (In Combination Effects)

11.6.1. There will be no adverse effects on the integrity of European sites arising from the proposed development in combination with other plans or projects. No significant 'in combination' effects are envisaged.

11.7. AA Conclusion

11.7.1. On the basis of the information provided with the application, including the Natura Impact Statement, and in light of the assessment carried out above and with regard to the precautionary principle, it is not possible to reach a conclusion of no adverse effects on the integrity of the following European Site, in view of its Conservation Objectives: Knocksink Wood SAC [000725].

12.0 Assessment

12.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of development
- Residential Amenity
- Layout and Open Space
- Traffic and Transport
- Childcare and Part V Social Housing Provision
- Water Services
- Archaeology
- Other Matters

12.2. Principle of Development

12.2.1. The subject site is located on lands subject to three land use zonings, as follows: residential, employment and community/education, in the Bray Municipal District Plan (MDL) 2018-2024. The majority of residential units are located on lands zoned R2: Residential - To protect, provide and improve residential amenities at a density up to 20 units/ha. The E1 Employment and CE Community and Education zonings are located on the south eastern portion of the site, housing and a creche are proposed here. The entire site falls within Action Area Plan 2: Parknasilloge, that outlines a number of strategic objectives, based upon the division of land use zonings. Chapter 10 of the Bray MDL states that separate planning applications for sections of each Action Area Plan will not be considered until an overall Action Area Plan has been agreed in writing with the Planning Authority unless shown otherwise. In this instance the applicant has prepared 'Action Area Plan 2 – Parknasilloge February 2019'. The planning authority in their Opinion report state that the County

Council approved the plan (dated 27 March 2019) subject to certain controls, mainly around quantum of development (156 units) and phasing in terms of physical infrastructure.

- 12.2.2. The planning authority accept that the land use zonings in the Bray MDL can be adjusted, so long as the underlying objectives are met. The applicant has prepared a new masterplan that suits their design proposal and the planning authority approve up to a point. However, the consensus between applicant and planning authority unravels when it comes to the quantum of development proposed and the phasing arrangement put in place.
- 12.2.3. In my view, if the planning authority have accepted that the land use zoning parcels of the Bray LAP located within Action Areas are up for negotiation subject to meeting the underlying objectives then the principle of the development scheme before the Board is acceptable. The applicant prepared a revised Action Area Plan and this has been approved by the planning authority. The only issue at stake is that of residential density and phasing.
- 12.2.4. Density – The development site consists of an area of 8.179ha. The net developable area is stated as being 6.154ha. This figure discounts the public road and footpath improvements and areas of open space which are stated as serving future development and therefore gives rise to a density of 35 units per hectare.
- 12.2.5. The Opinion issued by An Bord Pleanála set out that the applicant should give further consideration to the proposed density having regard to the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ 2009. The applicant has prepared a statement in response to the Board’s pre-application consultation Opinion that sets out their rationale for a residential density in excess of the 20 units/ha demanded by the Bray MDL. The applicant has set out that the site should be considered in the ‘small town or village’ category i.e. advising that a range of 20-35 dwellings per hectare is applicable.
- 12.2.6. The subject site is located within the settlement boundary of Enniskerry, which has a fluctuating population within the town but is targeted for growth in the Bray MDL and informed by Action Area Plans. National and local policies seek to consolidate development within the settlement boundaries of towns close to available social and community facilities. The potential number of units for Action Area 2 outlined by

Table 2 of the Bray MDL amounts to 156 and this results in a density range of 20 units/ha. This would lead to unsustainable development patterns and inefficient use of serviced lands. The NPF in section 5.3 deals with “planning for the future growth and development of rural areas”. Having regard to the provisions of Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, Enniskerry is considered to be a small town and the density range of 20-35 units is considered to be applicable in this instance. The applicant is proposing a density of 35 units per hectare, which I consider appropriate for the site. The development proposed will help consolidate the town’s structure reducing the pressure for unsustainable and excessively low density development on zoned serviced land.

12.2.7. Housing Mix - I am satisfied that an adequate mix of housing units has been provided within the site. Pursuant to the issuing of the Opinion from An Bord Pleanála, the applicant has incorporated apartment units with a combination of one, two and three bedroom units in addition to a small proportion of one and two bedroom houses thus providing a better mix of house typology in general.

12.2.8. Phasing – The planning authority are critical of the applicant’s phasing strategy and this stems from their reservations about the quantum of development proposed and the consequential residential density. The planning authority have set out a phasing strategy, related to a quantum of 156 units, which is reasonable and sensible in terms of the delivery of key infrastructure outlined in the Action Area Plan. Setting the quantum of development and residential density to one side, I am of the view that a phasing strategy can either be set by condition or agreed at some later stage.

12.3. Residential Amenity

12.3.1. The applicant has submitted a variety of architectural drawings, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.

12.3.2. Dwelling Houses - The applicant has submitted a Schedule of Accommodation, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the

best practice guidelines sets out the target space provision for family dwellings. The applicant has provided internal living accommodation that meets or exceeds the best practice guidelines. In all cases, at least 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In locations where the gable ends of some house types are closer, either landing windows or obscured glazed windows are provided and this is satisfactory.

- 12.3.3. In terms of private open space, garden depths are provided at a minimum of 11 metres in most cases and according to the schedule provided by the applicant result in 50 or 80 sqm across all house types and up to 190 sqm in one case. In reality, the rear gardens associated with dwellings vary in shape and area and provide an ample amount of private amenity space. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.
- 12.3.4. Apartments - The proposed development comprises 84 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas. In particular, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with.
- 12.3.5. The apartments are arranged in six blocks, between two and three storeys in height and resemble two and three storey terrace houses in design and form. Blocks 1 and 2 interface with Street 2 and are very close to public open spaces. Block 2 benefits from an open aspect to public open space associated with Street 6 and this is acceptable. Block 1 interfaces with Parknasilloge Court across a semi private communal space, well overlooked and useful in shape and size. Blocks 3 and 5 have a pleasant aspect over public open space Area 3 and this is acceptable. Blocks 4 and 6 are close to parks, but also have the use and benefit of semi-private courtyards that are adequately scaled and well overlooked. In summary, I am satisfied that the placement and orientation of all apartment blocks within the scheme are successful and will provide good levels of amenity.
- 12.3.6. The apartments are provided with either large garden terraces or balcony spaces, all to an acceptable standard. Apartment units are dual aspect, with a combination of smooth plaster finish and brick, this is an acceptable format. I note that the planning authority raise concerns over the proposed finishes and state that brick is not

acceptable and favour a natural stone or alternative. I am sensitive to the comments of the planning authority with respect to the prevalence of stone finishes to historic buildings and demesne walls in the vicinity. However, I am also conscious that local residential development over the last thirty years has paid little attention to harmonising with traditional building forms or materiality and I see no reason why this should be the case with this development. I am satisfied that the materials selected are sufficiently robust and appropriate to the design aesthetic proposed, no changes necessary.

12.3.7. The applicant's Statement of Consistency and Architectural Design Statement briefly deals with apartment design and compliance with the relevant standards. However, for more detailed reference information I rely on the architectural drawings and Schedule of Accommodation and Housing Quality Assessment. The floor to ceiling heights associated with apartment blocks are 3.0 metres at ground floor level and other floors area at 2.7 metres, this accords with the requirements of SPPR 5 of the guidelines with respect to floor to ceiling heights. The proposed apartments are all in excess of the minimum floor area standards (SPPR 3). Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded.

12.3.8. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long term management and maintenance of apartments. A report to this effect has been supplied with the planning application. This document provides an assessment of Long Term Running and Maintenance Costs as they would apply on a per residential unit basis at the time of application and measures specifically considered by the proposer to effectively manage and reduce the costs for the benefit of residents. The report is sufficiently detailed, in any event the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

12.3.9. Existing Amenity – The proposed development will adjoin Parknasilloge Court, an innovative and attractive housing scheme, and two large houses set in their own grounds. The subject proposal has been designed to either follow existing building lines or present a back to back arrangement. In most cases, I find that separation

distances of 22 metres between opposing first floor windows or greater has been applied by the applicant. In this respect, three storey apartment blocks 1, 2, 3 and 4 are an appropriate distance from single and two storey residences at Parknasilloge Court. I am satisfied that there will be no loss of privacy as a result of overlooking. The proposed development has been designed to broadly integrate with what little development there is in the vicinity.

12.3.10. I do however, note that two storey houses located at plots 70, 71, 72 and 73 are located just under 18 metres from an existing dwelling that has habitable rooms at first floor that will directly overlook each other. Some houses along Street 10 will also overlook the front and rear garden of this property. Whilst a separation distance of 18 metres or so might be appropriate in a more urban and compact environment, this is not the case with this lower density development. Therefore, to militate against the potential for an unsatisfactory loss of residential amenity, I would advise that houses on plots 67 to 76 inclusive be repositioned 2 metres westwards and consequently house plots 47 to 52 inclusive also move 2 metres westwards. This will result in a slight deflection of the home-zone (Street 10), revised drawings should be submitted to the planning authority prior to the commencement of development.

12.3.11. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and observers, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the surrounding area.

12.4. **Layout and Open Space**

12.4.1. Layout - In broad terms the quantum and approach to public open space is good. Houses and apartments front onto and overlook public open spaces. This provides a good degree of passive supervision to enable public open spaces to function safely and provide an adequate level of amenity. In particular, the main public open space is well proportioned and overlooked on its curved side. A play area is well located at the south eastern quadrant of the site and again is well overlooked.

12.4.2. The planning authority do not raise any significant concerns with regard to the distribution and form of public space throughout the proposed scheme. I am satisfied

that the landscape plan, for the most part, addresses the balance between the retention of existing vegetation and the provision of usable and passively supervised open spaces.

- 12.4.3. Street Hierarchy – The applicant has shown a site that is connected to the wider street network via two vehicular entrances from the Glencree Road and possible future links to the north and east. Most internal streets are detailed at 5.5 metres in width except for the through street (street 1) that provides access to the school site and other development land to the north, this road is 6 metres in width. Other local streets or home-zone areas are 4.8 metres in width with a 1.2 metre pedestrianized strip rather than a footpath per se and this may not be acceptable. I note that the planning authority interpret these roads as 6 metres and that a differentiated footpath is not necessary in home-zone locations. In this regard it is appropriate to require minor design changes to ensure compliance with DMURS principles. The applicant's Traffic and Transport Assessment states that various speed reduction measures have been implemented within the roads layout such as speed reducing bends along the spine road, raised tables at various junctions, kerb build-outs, pedestrian friendly crossings, shared surface / home zone areas and on-street parking. All internal corner radii have been designed at 3m to further encourage reduced speeds. All of these measures are acceptable and provide a good and legible street hierarchy.
- 12.4.4. The street dimensions and configuration are broadly in accordance with the Design Manual for Urban Roads and Streets (DMURS) and therefore acceptable. The street and footpath layout is satisfactory; however, where future road/pedestrian connections are proposed, the road or footpath edge should meet the site boundary without interruption by grass or other planted verges.
- 12.4.5. Public Open Space - In this regard, the applicant has submitted a landscape proposal that outlines a hierarchy of functional open spaces, dominated by a semi-circular primary open space with secondary areas one of which contains a play area. The planning authority are satisfied with the proposed landscape plan. I too am broadly satisfied that the landscape design approach will provide adequate levels of amenity for future occupants and is acceptable in terms of design and quantum.

12.5. Traffic and Transport

- 12.5.1. The proposed development will be accessed from two new junctions from the Glencree Road. The applicant states that sightlines at the access points are designed to cater for the 50kph design speed along the Glencree Road (L1011) at the location of the proposed access points. DMURS suggests forward visibility sightlines of 49m for this design speed on bus routes, Waterman Moylan drawing No. 17-060-P127 refers. The planning authority raise no particular issues in relation to the proposed vehicular entrances and their location.
- 12.5.2. The applicant proposes to provide 374 car parking spaces for the apartments and houses, 14 spaces for the childcare facility. The planning authority highlight a minor shortfall of 13 residential car parking spaces. Given, the location of the site and the rural location of Enniskerry it is inevitable that most journeys will be car borne. However, a public bus service passes the site and the applicant has proposed extensive new and improved pedestrian facilities to the village centre. In addition, a new school may be constructed nearby together with the possibility of an employment hub. I am satisfied that the quantum of car parking is acceptable, its design and location is also appropriate.
- 12.5.3. The applicant has proposed to upgrade the pedestrian environment along the site frontage and eastwards along the Glencree Road towards the village centre. In this regard the applicant proposes to provide new footpaths, upgrade existing footpaths, bus stop upgrades, public lighting and drainage. The works will be carried out by the developer and provided in the early stages of construction. Details of the proposed pedestrian facilities including the link between the subject site and Enniskerry are shown on Waterman Moylan drawing Nos 17-060-P128, P129 and P130. Detailed design sections are provided on drawing No. 17-060-P108. These works should be carried out and completed prior to the occupation of any units and to the technical standards of the planning authority, a suitable condition should be attached. In addition, the provision of pedestrian access points along the Glencree Road frontage should remain open and boundary treatment, if any, limited to a low barrier and planting to allow a visual connection between the development and the public road.

12.6. Childcare and Part V Social Housing Provision

- 12.6.1. Childcare - The applicant has proposed a childcare facility with a floor area of 373.4 sqm. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings, i.e. 58 spaces for the development. The applicant states that the facility will cater for up to 67 children. Applying the general standards of minimum floor areas for pre-school children and exclusive of kitchen, bathroom and hall, furniture or permanent fixtures, I find that the proposed scale of the childcare facility is acceptable.
- 12.6.2. Part V Provision – The Part V Schedule of Accommodation submitted by the applicant proposes 21 dwelling units, comprising: 8 one bedroom apartments (type 1B1 and 1B2 – 54sqm), 3 one bed houses (type A – 51sqm), 8 two bed apartments (type 2B1 – 89sqm) and 2 two bed houses (type B – 80sqm). The proposed units are dispersed throughout the overall layout. This broadly accords with the requirement to provide 10% social housing. The proposed locations of the social housing units are spread throughout the development and provide a mixture of one and two bedroom units. I note that the planning authority have not raised any particular issues in relation to the provision of Part V housing, in any event any matters can be resolved by condition as necessary.
- 12.6.3. Housing Mix – The proposed development will deliver up to 50% three bedroom dwellings comprising a combination of mostly houses with some apartments. The remainder of the scheme provides two and four bedroom units, a fifth each. In addition, up to 8% of units are one bedroom, including terraced houses. I am satisfied that the mix and distribution of dwelling types in defined character areas is acceptable and is in accordance with best practice guidance for new urban environments and placemaking.

12.7. **Water Services**

- 12.7.1. I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed and generally accords with the specific information required by the Board's opinion ABP-302892-18. The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this.

12.7.2. The planning authority have recommended a standard approach to surface water management on the site and recommended conditions, technical in nature. I have already outlined my reservations with regards to the overall development from an Appropriate Assessment perspective and this includes surface water design and management, section 11 of this report refers.

12.8. **Archaeology**

12.8.1. The applicant has carried out archaeological site investigations including test trenching and prepared a detailed report, dated February 2019. The Department of Culture, Heritage and Gaeltacht note the details of the potential archaeological impacts that could arise and considers that there is sufficient information contained in the Archaeological Assessment Report submitted by the applicant that will allow for an informed planning decision with regard to archaeological matters. Moreover, the Department recommend that all archaeological features identified and adequate areas surrounding the identified archaeological features be fully archaeologically excavated by hand in advance of site preparation and/or construction works. A suitable condition is recommended based upon the detailed requirements of the Department, specific to this particular site and its archaeological potential.

12.9. **Other Matters**

12.9.1. Legal Issues – some adjacent land owners have raised an issue concerning legal agreements made in the past and bound by a previous Action Area Plan. A new Action Area Plan has been adopted and adjacent landowners are unhappy that they were not involved in the process. In addition, they are not satisfied that the new road arrangement or foul infrastructure design allows them to develop their land as they would have wished. I think that legal agreements regarding access can be dealt with outside the SHD process, in any case I am satisfied that the proposed development allows for access to adjoining land, a condition could be attached to ensure the absence of any ransom strips.

12.9.2. Visual Amenity – a number of observers are critical of the proposed building height and density that will, in their minds, impact negatively on the visual amenities of the area. Firstly, though the surrounding area is scenic and rural in character, there are no protected views, vistas or scenic routes in the vicinity. The proposed development is an extension to the village and is zoned for residential development. The proposed

heights are up to three storeys and the apartment blocks read as three storey houses. The architecture is contemporary in outlook and the selection of materials are robust and durable. Despite the rural character of the site now, it will change once developed and I anticipate that the proposed scheme will be visually beneficial and provide new areas of landscaped public realm.

13.0 Recommendation

13.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

13.2. Having considered the contents of the application including the Natura Impact Statement, the provisions of the Wicklow County Development Plan 2016-2022 and the Bray Municipal District Plan 2018-2024 and relevant national planning policy as listed in above section 6, the comment of Wicklow County Council, the submissions of prescribed bodies and the observations made in writing to the Board. I recommend that permission be refused for the reasons and considerations set out hereunder.

14.0 Reasons and Considerations

Having regard to the information provided in the Screening Report and Natura Impact Statement dated March 2019, the Board could not be satisfied that the omission from the Natura Impact Statement of a fuller understanding of the hydrogeology of the lands and a conceptual hydrogeological model of the European Site Knocksink Wood Special Area of Conservation (SAC), site code 000725, was appropriate given the sensitivities of the site to land modification, both through

diversion of groundwater from the gravel layers and the gravel layers acting as a hydrological pathway for polluted water.

In addition, the Natura Impact Statement states that the Catchment Zone or Groundwater Catchment Zone for the petrifying springs within Knocksink Wood SAC lies outside the refined AA1 Zone, detailed in figure 2 of the NIS, there is a lack of scientific evidence to support this statement. The origin of the catchment zone and the hydrogeological information on which it was based is not given. In the absence of mitigation, the natural hydrogeology within the subject lands could potentially be altered which could result in adverse impacts on the QI habitats of Knocksink Wood SAC which have a high sensitivity to changes in both ground and surface water levels. Without sufficient information to inform the design and management of surface water flows and infiltration, there is some doubt if the measures proposed would limit or remove the potential for impact on petrifying springs.

The Board therefore cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of European Site Knocksink Wood Special Area of Conservation (SAC), site code 000725, in view of the site's Conservation Objectives.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Senior Planning Inspector

20 June 2019

15.0 Appendix A

15.1. List of Observers

- Aidan Booth and Paula Cantillon
- Albert Smith
- Auroraville Ltd
- Carl and Julia Strickland
- Dara Connolly
- David Miller
- Dervla Cotter
- Edwina and Dale Allman
- Emma Coulson
- Fionnuala Rogerson
- Ian McGahon
- James Maguire and others
- Joe Wilson and Liz McMahan
- Kevin Warner
- Marion Maloney
- Maurice Chadwick and other
- Melanie Corrigan
- Oliver, Megan and Dolores Errity
- Richard and Sinead McGuinness
- Roderic O'Mahoney and Margaret Price
- Shauna Cronin
- Tina Cronin